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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 JEFF EDRINGTON,)

12 Defendant.)
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2:10-CR-00362-PMP-PAL
2:12-CV-00761-PMP

ORDER

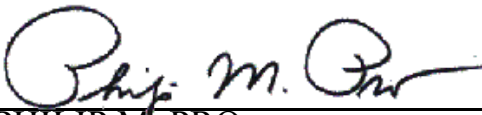
14 Before the Court for consideration is Defendant Jeff Edrington's fully
15 briefed Motion Under U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a
16 Person in Federal Custody (Doc. #39) filed May 7, 2012. For the reasons set forth
17 in the Opposition to Defendant's Motion filed by Plaintiff United States on July 16,
18 2012 (Doc. #44), the Court finds Defendant's Motion (Doc. #39) must be denied.

19 Defendant Edrington's Motion is predicated on his erroneous view that the
20 arguments made by the prosecutor at sentencing were subject to some form of
21 objection by his defense counsel under the Federal Rules of Evidence, and on the
22 further view that the Court at sentencing failed to resolve Edrington's claim that he
23 did not "groom" his putative victim. For the reasons set forth in the Government's
24 Response (Doc. #44) the Court finds Edrington is wrong. First, under the Plea
25 Agreement, Edrington waived his right to appeal a sentencing within the applicable
26 United States Sentencing Guideline range, which here was imposed. While such a

1 waiver of appeal does not waive a defendant's right to assert a claim for ineffective
2 assistance of counsel, the record in this case simply does not support any argument
3 that the performance of Edrington's counsel was deficient or that any deficient
4 performance resulted in cognizable prejudice to Defendant Edrington. *Strickland v.*
5 *Washington*, 466 U.S. 668 (1984).

6 **IT IS THEREFORE ORDERED** that Defendant Jeff Edrington's Motion
7 Under U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in
8 Federal Custody (Doc. #39) is **DENIED**.

9 DATED: July 23, 2012.

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12 PHILIP M. PRO
13 United States District Judge
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